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Henna Fabricius

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EXAMINER

PHANTANA ANGKOOOL, DAVID

ART UNIT

PAPER NUMBER

2175

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DELIVERY MODE

11/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,283

Applicant(s)

FABRITIUS, HENNA

Examiner

David Phantana-angkool

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 9-12, 14-20, 23-26, 30, 31, and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9-12, 14-20, 23-26, 30, 31, and 33-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been reassigned to Examiner David Phantana-angkool.
2. This action is responsive to the following communications: Amendments filed on July 27th, 2009.
This action is made Final.
3. Claims 1-4, 6, 9-12, 14-20, 23- 26, 30, 31, and 33-40 are pending claims.
4. Applicant amended claims 1, 15, 26.

Claim Rejections - 35 USC § 103

5. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-4, 6, 9-12, 14-20, 23- 26, and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai (2003/0184525) in view of Cariffe et al, US# 6,281,872 B1 (hereinafter Cariffe).**

As for independent claim 1:

Tsai discloses a method for changing an orientation of a User Interface, comprising: *detecting a course of motion that is performed on said user interface, and changing said orientation of said user interface with respect to a physical device said user interface is integrated in according to said detected course of motion (see abstract and figures 2a-2c for example)*. Tsai teaches of a rotating an image on the display by touching the panel and dragging across quadrants to rotate (see paragraphs 0019 to 0021 for example) and that the user can drag the hat to rotate the image. Tsia also teaches of image being on the display (see figures 2a-2c for example). Tsai does not explicitly disclose *displaying a dragging element on said user interface, wherein said dragging element is independent of content displayed on said user interface and is displayed at a predetermined position of said user interface; wherein said course of*

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motion comprises dragging said dragging element from said predetermined position at which said dragging element is displayed to another position of said user interface. While Tsai does not specifically teach a dragging element, Tsai specifically teaches the user drag on a panel 21 from a point P1 in quadrant Q1 to a point P2 in the quadrant Q2. This dragging motion causes the image to change its orientation with respect to the dragging path. In the same field of endeavor, Cariffe teaches a dragging user interface element (Fig. 2# 168) display on a predetermined position that allows the user to adjust the angle of the rotation of the image (3:12-23). In addition Cariffe also discloses that the location of the dragging element 168 and the value in box 169 automatically reflected when the user selects buttons 144, button 145, button 146 or element 168. The Buttons 144-146 operate in a similar fashion as Tsai's Fig. 1B. Both Tsai and Cariffe teach rotating an image rendered on a display screen. Therefore it would have been obvious to one having ordinary skill in the art and the teachings of Tsai and Cariffe before them at the time of the present invention was made to simply substitute the dragging element used for rotating an image, as taught by Cariffe, for directly manipulating dragging the image as shown by Tsai to yield the predictable result of a changing orientation of the user interface by interacting with the dragging element in the method of Tsai.

Re claim 2, note that Tsai discloses *a method, wherein said course of motion is performed on said user interface via a user interface interaction device (see abstract).*

Re claim 3, note that Tsai discloses *a method, wherein said user interface is a touch-screen display and wherein said user interface interaction device is a touching device (see abstract and figures 2a-2c for example).*

Re claim 4, note that Tsai discloses *a method, wherein said user interface interaction device is a device configured to control the movement of an element on said user interface (see abstract and figures 2a-2c for example).*

Re claim 6, note that Tsai discloses *a method, wherein said dragging element is located near an edge of the user interface. (See abstract and figures 2a-2c, hat is near the top edge in figure 2a for example)*

Re claim 9, note that Tsai discloses *a method, wherein said detected course of motion is*

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visualized on said user interface (see abstract and figures 2a-2c for example).

Re claim 10, note that Tsai discloses a method, wherein said orientation of said user interface is changed by 90 degree, 180 degree. or 270 degree. with respect to said physical device said user interface is integrated in (see abstract and paragraph 0023 for example).

Re claim 11, note that Tsai discloses a method, wherein images that are displayed on said user interface are transformed and/or re-scaled according to said changed orientation (see abstract and figures 2a-2c for example).

Re claim 12, note that Tsai discloses a method, wherein said user interface is integrated in a hand-held device, in particular a mobile phone or a Personal Digital Assistant (see abstract and paragraph 0019).

Re claim 14, note that Tsai discloses a computer readable medium storing a computer program with instructions so that when executed by a processor performs the method of claim 1 (see abstract and paragraph 0020 for example).

As for independent claim 15:

Tsai discloses an apparatus comprising:

a detector configured to a course of motion that is performed on a user interface by dragging element, and a processor and controller configured changing said orientation of said user interface with respect to a physical device said user interface is integrated in according to said detected course of motion, (see abstract and figures 2a-2c for example). Tsai teaches of a rotating an image on the display by touching the panel and dragging across quadrants to rotate (see paragraphs 0019 to 0021 for example). Tsia also teaches of image being on the display (see figures 2a-2c for example). Tsai does not explicitly disclose wherein said dragging element is independent of content displayed on said user interface and is displayed at a predetermined position of said user interface, and wherein said course of motion comprise dragging said dragging element from said predetermined position at which said dragging element is displayed to another position of said user interface. While Tsai does not specifically teaches a dragging element, Tsai specifically teaches the user drag on a panel 21 from a point P1 in quadrant Q1 to a point P2 in the quadrant Q2. This dragging motion causes the image to change its orientation with respect to

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the dragging path. In the same field of endeavor, Cariffe teaches a dragging user interface element (Fig. 2# 168) display on a predetermined position that allows the user to adjust the angle of the rotation of the image (3:12-23). In addition Cariffe also discloses that the location of the dragging element 168 and the value in box 169 automatically reflected when the user selects buttons 144, button 145, button 146 or element 168. The Buttons 144-146 operate in a similar fashion as Tsai's Fig. 1B. Both Tsai and Cariffe teach rotating an image rendered on a display screen. Therefore it would have been obvious to one having ordinary skill in the art and the teachings of Tsai and Cariffe before them at the time of the present invention was made to simply substitute the dragging element used for rotating an image, as taught by Cariffe, for directly manipulating dragging the image as shown by Tsai to yield the predictable result of a changing orientation of the user interface by interacting with the dragging element in the method of Tsai.

Re claim 16, note that Tsai discloses *the apparatus, wherein said apparatus is integrated in a hand-held device, in particular a mobile phone or a Personal Digital Assistant (see abstract and paragraph 0019 for example).*

Re claim 17, note that Tsai discloses *an apparatus device, comprising: at least one user interface (0019).*

Re claim 18, note that Tsai discloses *the apparatus, further comprising a user interface interaction device, via which said course of motion is performed on said at least one user interface (see abstract and figures 2a-2c for example).*

Re claim 19, note that Tsai discloses *the apparatus, wherein said at least one user interface is a touch-screen display and wherein said user interface interaction device is a touching device (see abstract and figures 2a-2c for example).*

Re claim 20, note that Tsai discloses *the apparatus, wherein said user interface interaction device is a device configured to control the movement of an element on said at least one user interface (see abstract and figures 2a-2c for example).*

Re claim 23, note that Tsai discloses *the apparatus, further configured to visualize said detected course of motion on said at least one user interface (see abstract and figures 2a-2c for example).*

Re claim 24, note that Tsai discloses *the apparatus, wherein said apparatus is configured to*

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change said orientation of said at least one user interface is changed by 90 degree. 180.degree. or 270.degree. with respect to said mobile phone (see abstract and paragraph 0023 for example).

Re claim 25, note that Tsai discloses *the apparatus, further comprising means for transforming and/or re-scaling images that are displayed on said at least one user interface according to said changed orientation (see abstract and figures 2a-2c for example).*

As for independent claim 26:

Re claim 26, Tsai discloses a apparatus for changing an orientation of a user interface, comprising: *means for detecting a course of motion that is performed on said user interface by dragging said dragging element, and means for changing an orientation of said user interface with respect to a physical device said user interface is integrated in according to said detected course of motion (See abstract, paragraphs 0019, 0020 and figures 2a-2c for example). Tsai teaches of a rotating an image on the display by touching the panel and dragging across quadrants to rotate (see paragraphs 0019 to 0021 for example). Tsia also teaches of image being on the display (see figures 2a-2c for example). Tsai does not explicitly disclose means for displaying a dragging element (dragging element as explained by the applicant) on a user interface, wherein said dragging element is independent of content displayed on said user interface and is displayed at a predetermined position of said user interface; wherein said course of motion comprises dragging said dragging element form said predetermined position at which said dragging element is displayed to another position of said user interface. While Tsai does not specifically teaches a dragging element, Tsai specifically teaches the user drag on a panel 21 from a point P1 in quadrant Q1 to a point P2 in the quadrant Q2. This dragging motion causes the image to change its orientation with respect to the dragging path. In the same field of endeavor, Cariffe teaches a dragging user interface element (Fig. 2# 168) display on a predetermined position that allows the user to adjust the angle of the rotation of the image (3:12-23). In addition Cariffe also discloses that the location of the dragging element 168 and the value in box 169 automatically reflected when the user selects buttons 144, button 145, button 146 or element 168. The Buttons 144-146 operate in a similar fashion as Tsai's Fig. 1B. Both Tsai and Cariffe teach rotating an image rendered on a display screen. Therefore it would have been obvious to one having ordinary skill in the art and the teachings of Tsai and Cariffe before them at the*

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time of the present invention was made to simply substitute the dragging element used for rotating an image, as taught by Cariffe, for directly manipulating dragging the image as shown by Tsai to yield the predictable result of a changing orientation of the user interface by interacting with the dragging element in the method of Tsai.

Re claim 33, note that Tsai-Cariffe suggests the method, *wherein said user interface is a touch-screen display, and wherein said orientation of said touch-screen display is changed by rotating the complete display and input control logic* (Cariffe, 3: 13-23). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

Re claim 34, note that Tsai-Cariffe suggests the *method according to claim 1, wherein said predetermined position is a corner of said user interface* (Cariffe, 3: 13-23). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

Re claim 35, note that Tsai-Cariffe suggests the *method according to claim 34, wherein dragging said dragging element from said corner to a neighboring corner causes said orientation of said user interface to be changed by 90° with respect to said device said user interface is integrated in* (Tsai, Fig. 1B and Cariffe, 3: 13-23). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

Re claim 36, note that Tsai-Cariffe suggests the *method according to claim 34, wherein dragging said dragging element from said corner to a diagonally opposite corner causes said orientation of said user interface to be changed by 180° with respect to said device said user interface is integrated in* (Tsai, Fig. 1B and Cariffe, 3: 13-23). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

Re claim 37, note that Tsai-Cariffe suggests the *apparatus according to claim 15, wherein said user interface is a touch-screen display, and wherein said apparatus is configured to change said*

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orientation of said touch-screen display by rotating the complete display and input control logic (Cariffe, 3: 13-23). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

Re claim 38, note that Tsai shows *the apparatus according to claim 15, wherein said predetermined position is a corner of said user interface* (Tsai, Fig. 1B).

Re claim 39, note that Tsai shows *the apparatus according to claim 38, wherein said apparatus is configured so that dragging said dragging element from said corner to a neighboring corner causes said orientation of said user interface to be changed by 90° with respect to said device said user interface is integrated in* (Tsai, Fig. 1B and Cariffe, 3: 13-23). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

Re claim 40, note that Tsai shows *apparatus according to claim 38, wherein said apparatus is configured so that dragging said dragging element from said corner to a diagonally opposite corner causes said orientation of said user interface to be changed by 180° with respect to said device said user interface is integrated in* (Tsai, Fig. 1B and Cariffe, 3: 13-23). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Tsai for the same reason stated previously above (see claim 1 *supra*).

7. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai (2003/0184525) in view of Cariffe et al, US# 6,281,872 B1 (hereinafter Cariffe), and in further view of Meier et al. US# 5,513,309.

Re claim 30, Tsai substantially discloses a method as set forth in claim 1 above. Tsai and Cariffe do not explicitly disclose *wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface*. However, Meier et al. teaches *of wherein said course of motion is performed on said user*

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interface by dragging a dragging element (handle 85 for example) that is displayed on said user interface, and wherein said dragging element is a soft button (handle, see figures 3b to 3d for example) that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface (see column 7 lines 53-56 and column 9 lines 16-19 according to the numbering in the middle for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface as taught by Meier et al. on the method of Tsai and Cariffe in order to display specific element to drag to rotate.

Re claim 31, Tsai substantially discloses a device as set forth in claim 15 above. Tsai and Cariffe do not explicitly disclose *wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface.* However, Meier et al. teaches of *wherein said course of motion is performed on said user interface by dragging a dragging element (handle 85 for example) that is displayed on said user interface, and wherein said dragging element is a soft button (handle, see figures 3b to 3d for example) that is provided on said user interface for other purposes and is assigned additional functionality to initiate said change of said orientation of said user interface only when being dragged across said user interface (see column 7 lines 53-56 and column 9 lines 16-19 according to the numbering in the middle for example).* It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein said course of motion is performed on said user interface by dragging a dragging element that is displayed on said user interface, and wherein said dragging element is a soft button that is provided on said user interface for other purposes and is assigned additional functionality to initiate said

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change of said orientation of said user interface only when being dragged across said user interface as taught by Meier et al. on the device of Tsai and Cariffe in order to display specific element to drag to rotate.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. *Merck & Co. v. Biocrraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

Response to Arguments

8. Applicant's arguments with respect to claims 1-4, 6, 9-12, 14-20, 23- 26, 30, and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DP
/David Phantana-angkool/
Examiner, Art Unit 2175

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175